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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,470	10/16/2001	Kevin Richard Plain	M-12331 US	5114
33438	7590	08/26/2004	EXAMINER	
HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720			YIGDALL, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/978,470	Applicant(s) PLAIN ET AL.	
	Examiner Michael J. Yigdal	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 and 2 are pending and have been examined. The priority date considered for the application is October 16, 2001.

Specification

2. The abstract of the disclosure is objected to because the abstract must not exceed 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,151,643 to Cheng et al. (hereinafter “Cheng”).

With respect to claim 1, a method of generating a configuration comprising a plurality of components each having an associated context state (see column 2, line 62 to column 3, line 12, which shows generating a configuration of software components, each having associated information), said context state equal to one or more of a plurality of values (see column 10, lines 26-32, which shows that the information relates to context states having a plurality of values), said method comprising:

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(a) caching a current context state in response to a requirement for the installation of a component (see column 8, line 62 to column 9, line 16, which shows archiving or caching the current state of the system in response to an installation requirement);

(b) changing the current state of the context to the associated state of the context if they are not equal (see column 14, lines 45-64, which shows comparing the current state to the associated state of the component, and column 8, line 62 to column 9, line 16, which shows changing the current state if they are not equal);

(c) installing the component as part of the configuration (see column 8, lines 55-61, which shows installing the component as part of the configuration); and

(d) restoring a cached state of the context upon completing installation of the component (see column 9, lines 28-55, which shows restoring an archived or cached state after the installation of the component).

With respect to claim 2, Cheng discloses a server adapted to generate a configuration (see column 2, line 62 to column 3, line 12, which shows a service provider computer or server for generating a configuration of software components), the server comprising:

(a) a cache configured to hold a current context state in response to a requirement for the installation of a component (see column 8, line 62 to column 9, line 16, which shows archiving or caching the current state of the system in response to an installation requirement), wherein the component is one of a plurality of components each having an associated context state (see column 2, line 62 to column 3, line 12, which shows a plurality of software components, each having associated information), said context state equal to one or more of a plurality of values

(see column 10, lines 26-32, which shows that the information relates to context states having a plurality of values);

(b) a change module adapted to change the current context state to the associated state of the context if they are not equal (see column 14, lines 45-64, which shows comparing the current state to the associated state of the component, and column 8, line 62 to column 9, line 16, which shows changing the current state if they are not equal);

(c) an install module adapted to install the component as part of the configuration (see column 8, lines 55-61, which shows installing the component as part of the configuration); and

(d) a restore module adapted to restore a cached state of the context upon a completion of an installation of the component (see column 9, lines 28-55, which shows restoring an archived or cached state after the installation of the component).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 6,157,922 to Vaughan discloses a method and apparatus for transparent backtracking. U.S. Pat. No. 6,341,369 to Degenaro et al. discloses a method and data processing system for specifying and applying rules to classification-based decision points in an application system. U.S. Pat. No. 6,341,276 to Bender et al. discloses a system for selecting a computer solution from a pre-defined set. U.S. Pat. No. 5,963,953 to Cram et al. discloses a method and system for product configuration. U.S. Pat. No. 5,825,651 to Gupta et al. discloses a method and apparatus for maintaining and configuring systems. U.S. Pat. No. 5,617,514 to Dolby et al. discloses a generalized configurator using multiple interacting packers and declaratively defined

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constraint expressions. U.S. Pat. No. 5,515,524 to Lynch et al. discloses a method and apparatus for configuring systems.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (703) 305-0352.

The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MY

Michael J. Yigdall
Examiner
Art Unit 2122

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TUAN DAM
SUPERVISORY PATENT EXAMINER

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